

House File 391 - Introduced

HOUSE FILE 391

BY FISHER

A BILL FOR

1 An Act relating to the administration of the state forest
2 nurseries.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455A.13, subsection 1, Code 2017, is
2 amended to read as follows:

3 1. ~~Notwithstanding section 17A.2, subsection 11, paragraph~~
4 ~~"g", the~~ The department of natural resources shall ~~adopt~~
5 ~~administrative rules establishing~~ annually review market
6 conditions and the expenditures and revenues of the state
7 forest nurseries, and establish minimum ordering quantities
8 and a range of prices of for plant material grown at the state
9 forest nurseries to cover all expenses related to the growing
10 of the plants. The department is authorized to sell plant
11 material in other states. The department is authorized to sell
12 barerooted plants to private nurseries for resale.

13 Sec. 2. RESCISSION OF ADMINISTRATIVE RULES.

14 1. 571 Iowa administrative code, rules 71.1 through 71.3,
15 are rescinded.

16 2. As soon as practicable, the Iowa administrative code
17 editor shall remove the language of the Iowa administrative
18 rules referenced in subsection 1 of this section from the Iowa
19 administrative code.

20 Sec. 3. REPEAL. 1989 Iowa Acts, chapter 311, section 16,
21 is repealed.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill relates to the administration of the state forest
26 nurseries. The bill allows the department of natural resources
27 to annually review market conditions and the expenditures
28 and revenues of the state forest nurseries and to establish
29 minimum ordering quantities and a range of prices for plant
30 material grown at the nurseries. The bill also authorizes the
31 department to sell barerooted plants to private nurseries for
32 resale.

33 Currently, administrative rules adopted by the natural
34 resource commission specify ordering quantities and prices
35 for plants sold by the nurseries. The rules also specify

1 that plants can only be sold to private landowners and public
2 agencies and that barerooted plants purchased cannot be resold.
3 The bill rescinds all rules related to the sale of nursery
4 stock to the public.

5 The bill also repeals a provision in the Iowa Acts that
6 requires the commission to adopt rules establishing prices for
7 plant material grown at the state forest nurseries.

8 The bill may cause a state agency or political subdivision to
9 offer for sale to the public a service or product that competes
10 with private enterprise.